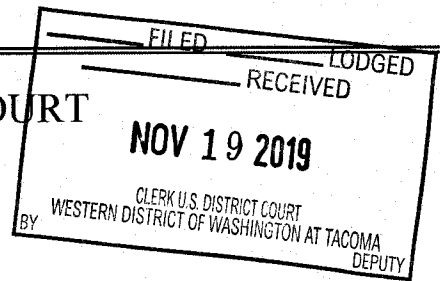


UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

The Facebook account with user ID
/Robert.Cruz0810

Case No.

MJ19-5232

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated by reference herein.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841(a)(1) and 846	Distribution of and Conspiracy to Distribute Controlled Substances

The application is based on these facts:

See Affidavit of DEA Special Agent Steve Meyer.

- ☒ Continued on the attached sheet.
☒ Delayed notice of 365 days (give exact ending date if more than 30 days: 11/18/2020) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Steve Meyer, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/19/2019

City and state: Tacoma, Washington

Judge's signature

David W. Christel, United States Magistrate Judge

Printed name and title

STATE OF WASHINGTON)
)
) SS
COUNTY OF PIERCE)

MY BACKGROUND AND QUALIFICATIONS

2. I am a Special Agent with the Drug Enforcement Administration (DEA), and have been since March 2017. I am currently assigned to the Seattle Field Division, Tacoma Resident Office. Prior to my employment with the DEA, I worked as a Uniformed Officer with the Secret Service in Washington D.C., from June 2006 to April 2009. I received formal training at the DEA Basic Agent Training in Quantico, Virginia. The four-month Basic Academy included comprehensive, formalized instruction in, among other things: basic narcotic investigations, drug identification and detection, familiarization with United States narcotics laws, financial investigations and money laundering, identification and seizure of drug-related assets, organized crime investigations, physical and electronic surveillance, and undercover operations.

3. During the course of my law enforcement career, I have been involved in investigations of numerous criminal offenses, including the offenses involved in this current investigation. I have participated in criminal investigations of illicit drug trafficking organizations, ranging from street-level dealers to major dealers, to include Mexico-based drug trafficking organizations. These investigations have also included the unlawful importation, possession with intent to distribute, and distribution of controlled substances; the related laundering of monetary instruments; the conducting of monetary

1 transactions involving the proceeds of specified unlawful activities; and conspiracies
 2 associated with criminal narcotics offenses. These investigations have included use of
 3 the following investigative techniques: confidential informants; undercover agents;
 4 analysis of pen register, trap and trace, and toll records; physical and electronic
 5 surveillance; wiretaps; and the execution of search warrants. I have had the opportunity
 6 to monitor, listen to, review transcripts and line sheets (prepared by linguists)
 7 documenting the content of intercepted conversations involving the trafficking of
 8 cocaine, heroin, methamphetamine, and other narcotics, by persons who used some form
 9 of code to thwart law enforcement. I have also interviewed defendants at the time of
 10 their arrests and have debriefed, spoken with, or interviewed numerous drug dealers or
 11 confidential sources (informants) at proffer interviews who were experienced in speaking
 12 in coded conversations over the telephone. I have gained knowledge regarding the
 13 various methods, techniques, codes, and/or jargon used by drug traffickers in the course
 14 of their criminal activities, including their use of cellular telephones and other electronic
 15 devices to facilitate communications while avoiding law enforcement scrutiny.

16 **PURPOSE OF AFFIDAVIT**

17 4. This Affidavit is submitted in support of an application for a search warrant
 18 under Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A)
 19 to require Facebook to disclose to the government records and other information in its
 20 possession, pertaining to the subscriber or customer associated with the following
 21 Facebook account (SUBJECT ACCOUNT 1), as detailed below:

22 a. Facebook user ID: robert.cruz0810, registered under the name
 23 CRUZ ROBERT.

24 5. All of the requested information is stored at premises owned, maintained,
 25 controlled, or operated by Facebook, a social networking company headquartered in
 26 Menlo Park, California. The information to be searched is described in the following
 27 paragraphs and in Attachment B. This is the first application for a search warrant for
 28 SUBJECT ACCOUNT 1 in this investigation.

1 6. Agents have identified Robert PACHECO, also known as Eric ARROYO,
2 as a drug distribution coordinator likely operating out of Avondale, Arizona.
3 Investigators believe PACHECO is overseeing drug operations in Western Washington,
4 and possibly elsewhere in the United States. In order to communicate with distributors
5 and drug customers, PACHECO utilizes a variety of applications, to include Facebook.
6 Recently, agents learned PACHECO used SUBJECT ACCOUNT 1 to communicate with
7 drug associates in western Washington. As set forth in more detail below, investigators
8 are requesting authorization to search the contents of SUBJECT ACCOUNT 1 for
9 evidence of PACHECO's drug trafficking and related criminal activities.

10 **FACEBOOK INFORMATION STORAGE**

11 7. I am aware from my experience and training, and consultation with other
12 investigators, of the following information about Facebook:

13 8. Facebook owns and operates a free-access social networking website of the
14 same name, accessed at <http://www.facebook.com>. Facebook allows its users to establish
15 accounts with Facebook, and users can then use their accounts to share written news,
16 photographs, videos, and other information with other Facebook users, and sometimes
17 with the general public.

18 9. Facebook asks users to provide basic contact and personal identifying
19 information to Facebook, either during the registration process or thereafter. This
20 information may include the user's full name, birth date, gender, contact e-mail
21 address(es), Facebook passwords, Facebook security questions and answers (for
22 password retrieval), physical address (including city, state, and zip code), telephone
23 numbers, screen names, websites, and other personal identifiers. Facebook also assigns a
24 user identification number to each account.

25 10. I know from speaking with other law enforcement that "cookies" are small
26 files placed by a server (such as those used by Facebook) on a device to track the user
27 and potentially verify a user's authentication status across multiple sites or
28 webpages. This cookie could be unique to a particular account (e.g., the Facebook

1 account) or to a given device (e.g., the particular phone used to access the Facebook
2 account). The next time a user visits a particular site or server, the server will ask for
3 certain cookies to see if the server has interacted with that user before. Cookies can also
4 be used to determine "machine cookie overlap," or multiple accounts that have been
5 accessed by the same individual machine (e.g., two Facebook accounts that have been
6 accessed on the same phone). The machine cookie overlap thus allows Facebook to track
7 accounts that are "linked" to each other because the same user account (username on a
8 computer) on the same device accessed multiple Facebook accounts. This can identify
9 either multiple Facebook accounts used by the same person or different people sharing
10 the same user account and device. In either case, the machine cookie overlap means that
11 the users of the linked accounts are the same person or two people in close proximity to
12 each other (by virtue of them using the same device).

13 11. Facebook users may join one or more groups or networks to connect and
14 interact with other users who are members of the same group or network. Facebook
15 assigns a group identification number to each group. A Facebook user can also connect
16 directly with individual Facebook users by sending each user a "Friend Request." If the
17 recipient of a "Friend Request" accepts the request, then the two users will become
18 "Friends" for purposes of Facebook and can exchange communications or view
19 information about each other. Each Facebook user's account includes a list of that user's
20 "Friends" and a "News Feed," which highlights information about the user's "Friends,"
21 such as profile changes, upcoming events, and birthdays.

22 12. Facebook users can select different levels of privacy for the
23 communications and information associated with their Facebook accounts. By adjusting
24 these privacy settings, a Facebook user can make information available only to himself or
25 herself, to particular Facebook users, or to anyone with access to the Internet, including
26 people who are not Facebook users. A Facebook user can also create "lists" of Facebook
27 friends to facilitate the application of these privacy settings. Facebook accounts also
28

1 include other account settings that users can adjust to control, for example, the types of
2 notifications they receive from Facebook.

3 13. Facebook users can create profiles that include photographs, lists of
4 personal interests, and other information. Facebook users can also post "status" updates
5 about their whereabouts and actions, as well as links to videos, photographs, articles, and
6 other items available elsewhere on the Internet. Facebook users can also post information
7 about upcoming "events," such as social occasions, by listing the event's time, location,
8 host, and guest list. In addition, Facebook users can "check in" to particular locations or
9 add their geographic locations to their Facebook posts, thereby revealing their geographic
10 locations at particular dates and times. A particular user's profile page also includes a
11 "Wall," which is a space where the user and his or her "Friends" can post messages,
12 attachments, and links that will typically be visible to anyone who can view the user's
13 profile.

14 14. Facebook allows users to upload photos and videos. It also provides users
15 the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is
16 tagged in a photo or video, he or she receives a notification of the tag and a link to see the
17 photo or video. For Facebook's purposes, the photos and videos associated with a user's
18 account will include all photos and videos uploaded by that user that have not been
19 deleted, as well as all photos and videos uploaded by any user that have that user tagged
20 in them.

21 15. Facebook users can exchange private messages on Facebook with other
22 users. These messages, which are similar to e-mail messages, are sent to the recipient's
23 "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well
24 as other information. Facebook users can also post comments on the Facebook profiles
25 of other users or on their own profiles; such comments are typically associated with a
26 specific posting or item on the profile. In addition, Facebook has a Chat feature that
27 allows users to send and receive instant messages through Facebook. These chat
28 communications are stored in the chat history for the account. Facebook also has a Video

1 Calling feature, and although Facebook does not record the calls themselves, it does keep
2 records of the date of each call.

3 16. If a Facebook user does not want to interact with another user on Facebook,
4 the first user can "block" the second user from seeing his or her account.

5 17. Facebook has a search function that enables its users to search Facebook for
6 keywords, usernames, or pages, among other things.

7 18. Each Facebook account has an activity log, which is a list of the user's
8 posts and other Facebook activities from the inception of the account to the present. The
9 activity log includes stories and photos in which the user has been tagged, as well as
10 connections made through the account, such as "liking" a Facebook page or adding
11 someone as a friend. The activity log is visible to the user but cannot be viewed by
12 people who visit the user's Facebook page.

13 19. Facebook Notes is a blogging feature available to Facebook users, and it
14 enables users to write and post notes or personal web logs ("blogs"), or to import their
15 blogs from other services, such as Xanga, LiveJournal, and Blogger.

16 20. In addition to the applications described above, Facebook also provides its
17 users with access to thousands of other applications on the Facebook platform. When a
18 Facebook user accesses or uses one of these applications, an update about that the user's
19 access or use of that application may appear on the user's profile page.

20 21. Some Facebook pages are affiliated with groups of users, rather than one
21 individual user. Membership in the group is monitored and regulated by the
22 administrator or head of the group, who can invite new members and reject or accept
23 requests by users to enter. Facebook can identify all users who are currently registered to
24 a particular group and can identify the administrator and/or creator of the group.
25 Facebook uses the term "Group Contact Info" to describe the contact information for the
26 group's creator and/or administrator, as well as a PDF of the current status of the group
27 profile page.

1 22. Facebook uses the term “Neoprint” to describe an expanded view of a given
2 user profile. The “Neoprint” for a given user can include the following information from
3 the user’s profile: profile contact information; News Feed information; status updates;
4 links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists,
5 including the friends’ Facebook user identification numbers; groups and networks of
6 which the user is a member, including the groups’ Facebook group identification
7 numbers; future and past event postings; rejected “Friend” requests; comments; gifts;
8 pokes; tags; and information about the user’s access and use of Facebook applications.

9 23. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP
10 address. These logs may contain information about the actions taken by the user ID or IP
11 address on Facebook, including information about the type of action, the date and time of
12 the action, and the user ID and IP address associated with the action. For example, if a
13 user views a Facebook profile, that user’s IP log would reflect the fact that the user
14 viewed the profile, and would show when and from what IP address the user did so.

15 24. Social networking providers like Facebook typically retain additional
16 information about their users’ accounts, such as information about the length of service
17 (including start date), the types of service utilized, and the means and source of any
18 payments associated with the service (including any credit card or bank account number).
19 In some cases, Facebook users may communicate directly with Facebook about issues
20 relating to their accounts, such as technical problems, billing inquiries, or complaints
21 from other users. Social networking providers like Facebook typically retain records
22 about such communications, including records of contacts between the user and the
23 provider’s support services, as well as records of any actions taken by the provider or
24 user as a result of the communications.

25 25. Therefore, the computers of Facebook are likely to contain all the material
26 described above, including stored electronic communications and information concerning
27 subscribers and their use of Facebook, such as account access information, transaction
28

1 information, and other account information. I believe such information is likely to
2 constitute evidence of the drug trafficking crimes currently under investigation.

3 CONFIDENTIAL SOURCES

4 26. Confidential Source 1 (CS1) is cooperating with the Bremerton Special
5 Operations Group (SOG) to investigate Robert PACHECO's drug distribution
6 organization, as explained in more detail below. CS1's criminal history includes 8
7 felony convictions, to include Criminal Mischief with a Deadly Weapon in 2018, Theft-
8 Organized Retail-2 in 2010, Theft 2 in 2008, Theft 1 in 2003, Possession of a Controlled
9 Substance without a Prescription in 2006 and 2013, Possession of a Firearm in 1999, and
10 Violation of the Uniform Controlled Substance Act in 1998. Additionally, CS1 has 13
11 gross misdemeanor convictions, to include Theft 3, Malicious Mischief-3, Making False
12 or Misleading Statements to a Public Servant in 2018, Obstructing a Law Enforcement
13 Officer in 2015 and 2016, Making False or Misleading Statements to a Public Servant in
14 2013, Theft 3 in 2013, Theft 3 in 2007, Assault 4 in 2005 and 2002, Theft 3 in 2002,
15 Obstructing a Law Enforcement Officer in 2001, and Theft 3 in 2000. Finally, CS1 has
16 10 misdemeanor convictions to include, Criminal Trespass-2 in 2018, Driving with a
17 Suspended or Revoked License-3 in 2018, 2017, 2016, 2015, 2007, 2004, and 1998,
18 Failure to Obey Officer in 2017, and Driving without a License in 2005. CS1 also jumped
19 bail in 2006. CS1 is working with Bremerton SOG in exchange for financial
20 consideration. Bremerton SOG has found his/her information to be consistently truthful
21 and reliable during this investigation.

22 27. Confidential Source 2 is cooperating with Bremerton SOG in their
23 investigation of PACHECO's drug distribution, as explained in greater detail below.
24 CS2's criminal history includes 11 felony convictions, to include two Class C felony
25 convictions for Possession of Controlled Substance – No Prescription, a Class C felony
26 conviction for Bail Jumping, and a Class C felony conviction for Forgery, all in 2011. In
27 2002, convictions include a B Class felony for Robbery-2 and a felony VUCSA –
28 Possession of Controlled Substance without Prescription. In 2001, convictions include a

1 Class C felony for Possession of Stolen Property – 2 and a Class C felony for Forgery. In
 2 1998, a felony VUCSA conviction for Possession with Intent to Manufacture/Deliver,
 3 and in 1995 a felony Class B VUCSA conviction for Possession with Intent to
 4 Manufacture/Deliver a Schedule 1 or 2 Narcotic. Additionally, CS2 has 9 Gross
 5 Misdemeanor convictions that include Render Criminal Assistance-2 in 2008, Reckless
 6 Driving in 2000, No Contact/Protection/Restraining Order Violation in 2000, Criminal
 7 Trespass-1 in 2000, two Domestic Violence Court Order Violations in 2000, Criminal
 8 Trespass-1 in 1998, Exhibit/Display/Carry Weapon with Intent to Intimidate in 1998, and
 9 Obstructing a Law Enforcement Officer in 1995. Finally, CS2 has 4 Misdemeanor
 10 convictions between 1994-2000 for Driving with a Suspended or Revoked License, and 2
 11 convictions for Malicious Mischief-3 in 1998 and 2000. CS2 is working with Bremerton
 12 SOG in exchange for judicial consideration. Bremerton SOG has found his/her
 13 information to be truthful and reliable during this investigation.

14 **SUMMARY OF PROBABLE CAUSE**

15 28. The information set forth in this Affidavit consists of information I have
 16 gathered and observed firsthand through the course of this investigation to date, as well
 17 as information relayed to me by other law enforcement personnel, my review of law
 18 enforcement reports, interviews of witnesses, and my review and analysis of toll records.
 19 Since I am submitting this Affidavit for the limited purpose of obtaining authorization to
 20 search SUBJECT ACCOUNT 1 as described herein, I have not included every fact
 21 known to me concerning this investigation. I have set forth only the facts that I believe
 22 are essential to establish the necessary foundation for the issuance of such warrant.

23 ***Background Information Regarding Investigation and Interview With CS1***

24 29. Agents are investigating a drug trafficking organization (DTO) in Western
 25 Washington they believe Robert PACHECO (the user of SUBJECT ACCOUNT 1) and
 26 his associates are operating. PACHECO's DTO is predominantly involved in the
 27 trafficking of heroin and crystal methamphetamine. This investigation started as a local
 28 drug investigation by the Bremerton Police Department in May 2019. A confidential

1 source (CS1) agreed to cooperate with law enforcement in exchange for monetary
2 compensation. On June 6, 2019, agents met with CS1 to discuss specifics about
3 PACHECO's drug distribution operation, and the possibility CS1 could purchase a pound
4 of methamphetamine from PACHECO. In the days leading up to the meeting, agents had
5 directed CS1 to contact PACHECO and ask about purchasing that amount. Prior to the
6 start of the meeting, CS1 received a call from 602-473-8700 (TT1). Before answering,
7 CS1 identified TT1 as belonging to PACHECO. During the subsequent discussion, I
8 overheard PACHECO tell CS1 if he/she gave him money for a pound of
9 methamphetamine, then he (PACHECO) would give him/her a kilogram of heroin as
10 collateral until the methamphetamine arrived. Following the call, CS1 confirmed he/she
11 had been talking to PACHECO.

12 30. Previously, CS1 had told agents that PACHECO flew up every couple of
13 weeks to Washington in order to distribute drugs that get driven up from Arizona.
14 PACHECO used couriers to drive drugs to Washington from Arizona, and CS2 assisted
15 PACHECO distributing them in Bremerton, Washington. Agents examined airline
16 records and confirmed in early May 2019, PACHECO flew from Yuma through Phoenix
17 to Seattle. CS1 also stated PACHECO did not like to sell for smaller than kilogram
18 amounts of heroin and methamphetamine, but would make an exception for him/her.
19 PACHECO's price for a kilogram of heroin was \$30,000, and for the pound of
20 methamphetamine for CS1 he (PACHECO) would charge \$2500. Additionally, CS1 told
21 agents PACHECO was using the alias Eric ARROYO. Subsequent research of law
22 enforcement databases revealed a Department of Licensing (DOL) license issued to Eric
23 ARROYO at 413 South 111th Drive, Avondale, Arizona. A comparison of DOL photos
24 with PACHECO's was a match with ARROYO. CS1 normally communicated with
25 PACHECO over the phone, but said he (PACHECO) also used Facebook.

26 //

27 //

Identification of TT2

31. Based on analysis of phone tolls, agents determined communications from TT1 began to drop off in the middle of June 2019. Shortly thereafter, agents confirmed the last outgoing call from TT1 occurred on June 21, 2019. Based on that information, investigators initiated a comprehensive search of TT1's historical phone data to look for PACHECO's new telephone number. Additionally, agents searched law enforcement databases for any phone numbers associated with PACHECO (ARROYO) or CS2. This analysis revealed the existence of multiple money orders between PACHECO (ARROYO) and CS2 between December 17, 2018 to June 18, 2019, predominately originating from the Wal-Mart at 3497 Bethel Road SE, Port Orchard, Washington. Agents determined PACHECO (ARROYO) usually listed a contact number of 602-775-9086 (TT2) on these money orders.

32. The subscriber for TT2 is listed as Judith G Salido at 413 South 111th Drive, Avondale, Arizona. This is the same address used on ARROYO's DOL license, and is listed as PACHECO (ARROYO) address on the majority of money orders. Analysis of TT2's phone toll data showed a top caller with number 928-225-9145. CS1 informed agents the number was used by one of PACHECO's current couriers. Subscriber information for 928-225-9145 listed Judith G Salido at 413 South 111th Drive, Avondale, Arizona, the same address and name as TT2 and same address as on the ARROYO license.

Arrest of CS2 and Discovery of Subject Account 1

33. On October 11, 2019, Bremerton Special Operations Group (SOG) Detectives observed CS2 conduct multiple suspected drug deals with Jeremy WHITLOCK, Kristina HAYNES, and Amber JUDD at the St. Vincent de Paul Thrift Store at 1117 North Callow Avenue, Bremerton, Washington. During CS2's interactions with JUDD, CS2 was observed traveling to [ADDRESS REDACTED], Bremerton, Washington, and then returning to the thrift store.

1 34. Later that day, detectives arrested JUDD on drugs charges related to her
2 interaction with CS2. Detectives seized approximately 15.1 grams of suspected
3 Methamphetamine, 2.1 grams of suspected heroin, 5 suspected Fentanyl laced counterfeit
4 M30 pills, and drug paraphernalia from JUDD. She admitted to purchasing heroin and
5 methamphetamine from CS2. JUDD stated during the transaction, CS2 went home to get
6 the drugs for her purchase. Following the deal with JUDD, detectives observed CS2
7 drive back to [ADDRESS REDACTED] and go inside. Based on JUDD's statements and
8 detectives observations during and after the deal, I believe CS2 lived at the location.

9 35. On October 15, 2019, detectives executed a search warrant at [ADDRESS
10 REDACTED]. Simultaneously, they arrested CS2 walking from a vehicle towards the
11 residence. A short time later, CS2 gave consent to search that vehicle. The subsequent
12 search resulted in the seizure of approximately 197.3 grams of suspected heroin, a Bank
13 of America card under the name Judith G Salido Barro, and a scale. Additionally, 5.1
14 grams of suspected methamphetamine was found on CS2. Detective Jordan Ejde field
15 tested the drugs on scene, and each tested positive for methamphetamine and heroin
16 respectively.

17 36. During a post-arrest interview and following advisement of Miranda
18 rights, CS2 admitted to getting the heroin from CS2's supplier a few weeks ago.
19 Specifically, CS2 picked up approximately 10 ounces of heroin on October 7, 2019, in
20 Lakewood, Washington. The heroin located by law enforcement in the vehicle was what
21 remained to sell from the original 10 ounces of heroin.

22 37. When Detective Ejde asked CS2 where the Bank of America card was
23 from, CS2 stated CS2's supplier provided it for CS2 to pay for the drugs. The name,
24 Judith G Salido, matches the subscriber information for TT2.

25 38. CS2 said the supplier communicated with CS2 through Facebook
26 Messenger. Detective Ejde asked CS2 for consent to see the messages on the phone, and
27 CS2 agreed. The subsequent examination of CS2's Facebook messenger revealed a
28

1 conversation with a "Robert" on October 7, 2019 talking about when "Robert" would be
2 arriving.

3 39. Based on information provided by CS1 about PACHECO's relationship
4 with CS2, the financial connections established between PACHECO and CS2, and the
5 information supplied by CS2, I believe PACHECO supplies drugs for CS2. I believe
6 PACHECO provided CS2 with 10 ounces of heroin in Lakewood. I also believe
7 PACHECO is the user of the "Robert" account found on CS2's phone, and on October 7,
8 2019, used it to arrange a meeting to supply CS2 the heroin.

9 40. Following CS2's arrest, Agents conducted a comprehensive search of
10 Facebook profiles for known PACHECO usernames that contained the profile photo on
11 the "Robert" account. Agents identified the **CRUZ ROBERT account (SUBJECT**
12 **ACCOUNT 1)**. CS2 confirmed that the "Cruz Robert" Facebook account is the account
13 used by CS2's supplier to communicate about drug transactions.

14 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

15 41. I anticipate executing this warrant under the Electronic Communications
16 Privacy Act, in particular Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A)
17 and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the
18 government copies of the records and other information (including the content of
19 communications) particularly described in Section I of Attachment B. Upon receipt of
20 the information described in Section I of Attachment B, government-authorized persons
21 will review that information to locate the items described in Section II of Attachment B.

22 42. As indicated in the Motion for Nondisclosure and Motion to Seal that
23 accompany this Affidavit, the government requests, pursuant to the preclusion of notice
24 provisions of Title 18, United States Code, Section 2705(b), that Facebook be ordered not
25 to notify any person (including the subscriber or customer to which the materials relate)
26 of the existence of this warrant for such period as the Court deems appropriate. The
27 government submits that such an order is justified because notification of the existence of
28 this Order would seriously jeopardize the ongoing investigation. Such a disclosure would

1 give the subscriber an opportunity to destroy evidence, change patterns of behavior,
2 notify confederates, or flee from prosecution. Notifying our targets of the existence of
3 this investigation will likely cause them to destroy evidence, flee the jurisdiction, or alter
4 their methods, thus making it more difficult to dismantle the organization effectively.
5 Notice also could put the CS and agents working with them in danger

6 43. I am further respectfully requesting that this Court issue an order sealing all
7 papers submitted in support of this application, including the application and search
8 warrant, until such dates as provided in the proposed Order. I believe that sealing this
9 document is necessary because the items and information to be seized are relevant to an
10 ongoing investigation. Premature disclosure of the contents of this Affidavit and related
11 documents may have a significant and negative impact on the continuing investigation
12 and may severely jeopardize its effectiveness.

13 **COMMON CHARACTERISTICS OF DRUG TRAFFICKERS**

14 44. Based on my training and experience, including experience obtained
15 through participation in this and other investigations involving the distribution of
16 controlled substances, including those targeting long-term conspiracies responsible for
17 the distribution of controlled substances, and based upon my consultation with other
18 experienced law enforcement agents and officers, I know that:

19 a. Drug trafficking conspiracies, especially those involving large amounts of
20 narcotics and interstate shipments, usually take place over several months or years, and
21 continue to operate even when enforcement activity results in arrests and/or seizures of
22 drugs and/or money.

23 b. Those involved in the distribution of illicit drugs often communicate by
24 telephone in connection with their illegal activities in order to set up meetings with
25 coconspirators, conduct drug transactions, or to arrange for the transportation drugs or
26 drug proceeds.

CONCLUSION

45. Based upon the information which has been uncovered during the course of this investigation, and on the advice, experience, knowledge of other agents and officers involved in this investigation, I believe these facts establish probable cause to conclude that **SUBJECT ACCOUNT 1** has been used, and will continue to be used, to facilitate violations of the Controlled Substances Act, specifically distribution of narcotics, conspiracy, and related offenses in the Western District of Washington, and elsewhere, in violation of the Controlled Substances Act, Title 21, United States Code, Sections 841 and 846.



STEVE MEYER,
Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me this 19th day of November, 2019.



DAVID W. CHRISTEL
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following account, identified by Facebook user ID: robert.cruz0810 (SUBJECT ACCOUNT 1), for all such information that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California. This warrant is limited to information created after November 9, 2017.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under Title 18, United States Code, Section 2703(f), Facebook is required to disclose the following information to the government for the user IDs listed in Attachment A (SUBJECT ACCOUNT 1):

A. The following information about the customer or subscriber of SUBJECT ACCOUNT 1:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for SUBJECT ACCOUNT 1, and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos in their original format, including EXIF information (metadata), uploaded by that user ID and all photos and videos in their original format, including EXIF information (metadata), uploaded by any user that have that user tagged in them;
- (d) All other records of communications and messages made or received by the user, including all private messages, chat history, calling history, and pending "Friend" requests;
- (e) All "check ins" and other location information;
- (f) All IP logs, including all records of the IP addresses that logged into SUBJECT ACCOUNT 1;

- 1 (g) All past and present lists of friends created by SUBJECT ACCOUNT 1;
- 2 (h) All records of Facebook searches performed by SUBJECT ACCOUNT 1;
- 3 (i) The length of service (including start date);
- 4 (j) The means and source of payment for such service (including any credit
- 5 card or bank account number) and billing records;
- 6 (k) All records pertaining to communications between Facebook and any
- 7 person regarding the user or the user's Facebook account, including
- 8 contacts with support services and records of actions taken;
- 9 (l) Names (including subscriber names, Facebook user IDs, and screen
- 10 names);
- 11 (m) Addresses (including mailing addresses, residential addresses, business
- 12 addresses, and e-mail addresses);
- 13 (n) Local and long distance telephone connection records;
- 14 (o) Linked accounts; and
- 15 (p) Telephone or instrument numbers or identities (including MAC addresses).
- 16 B. All records and other information (not including the contents of communications)
- 17 relating to SUBJECT ACCOUNT 1, including:
- 18 (a) Records of user activity for each connection activity for each connection
- 19 made to or from SUBJECT ACCOUNT 1, including log files; messaging
- 20 logs; the date, time, length, and method of connections; data transfer
- 21 volume; user names; and source and destination of Internet Protocol
- 22 addresses;
- 23 (b) Information about each communication sent or received by SUBJECT
- 24 ACCOUNT 1, including the date and time of the communication, the
- 25 method of the communication (such as source and destination email
- 26 addresses, IP addresses, and telephone numbers); and
- 27 (c) Records of any Facebook accounts that are linked to SUBJECT
- 28 ACCOUNT 1 by machine cookies (meaning all Facebook user IDs that

1 logged into Facebook by the same machine or device as SUBJECT
2 ACCOUNT 1).

3 **II. Information to be seized by the government**

4 All information described above in Section I that relates to the ongoing narcotics
5 investigation described in the Affidavit, including, for the user ID identified on
6 Attachment A, information pertaining to the following matters:

- 7 (a) Any content including e-mails, messages, texts, photographs (including
8 metadata), videos (including metadata), visual images, documents,
9 spreadsheets, address lists, contact lists or communications of any type
10 which could be used to identify the user and or their location.
- 11 (b) Records relating to who created, used, or communicated with the user ID,
12 including records about their identities and whereabouts.
- 13 (c) All subscriber records associated with SUBJECT ACCOUNT 1, including
14 names, addresses, local and long distance telephone connection records, or
15 records of session times and durations, length of service (including start
16 date) and types of service utilized, telephone or instrument number or other
17 subscriber number or identity, including any temporarily assigned network
18 address, and means and source of payment for such service including any
19 credit card or bank account number.
- 20 (d) Any and all other log records, including IP address captures, associated
21 with SUBJECT ACCOUNT 1; and
- 22 (e) Any records of communications between Facebook and any person about
23 issues relating to the account, such as technical problems, billing inquiries,
24 or complaints from other users about SUBJECT ACCOUNT 1. This is to
25 include records of contacts between the subscriber and the provider's
26 support services, as well as records of any actions taken by the provider or
27 subscriber as a result of the communications.
- 28